

**COMMUNITY AFFAIRS**

**DIVISION OF CODES AND STANDARDS**

**DIVISION OF FIRE SAFETY**

**Uniform Construction Code**

**Uniform Fire Code**

**Special Amusement Buildings**

**Adopted Amendments: N.J.A.C. 5:23-2.6, 3.2, 3.14, and 6.31; 5:70-2.7 and 4.16**

Proposed: June 21, 2004 at 36 N.J.R. 3004(a)

Adopted: \_\_\_\_\_, 2004 by Susan Bass Levin, Commissioner, Department of  
Community Affairs

Filed: \_\_\_\_\_, 2004 as R.2004 d. \_\_\_\_\_, **with technical changes** not  
requiring additional public notice and comment (see N.J.A.C. 1:30-6.3)

Authority: N.J.S.A. 52:27D-124 and N.J.S.A. 52:27D-198

Effective Date:

Expiration Date (N.J.A.C. 5:23): January 15, 2008

Expiration Date (N.J.A.C. 5:70): June 20, 2005

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**SUSAN BASS LEVIN**  
**Commissioner**

## Summary of Public Comments and Agency Responses

Comments were received from Ronald E. Estep, C.B.O., Construction Official, Township of Hillsborough; Jo-an' Van Doren, Ed. D., President, Red Mill Museum Village Board of Trustees; and Donna Stumm, Chairperson, Haunted Mill Event, Red Mill Museum Village.

1. COMMENT: The proposed amendments to the New Jersey State Uniform Construction Code (UCC) (N.J.A.C. 5:23) and the New Jersey State Uniform Fire Code (UFC) (N.J.A.C. 5:70) establish construction and fire code requirements and enforcement responsibilities for special amusement buildings. Each year, the Red Mill Museum Village holds a haunted attraction during the month of October. Currently, the Museum is not equipped with a fire suppression system. Because installing a fire suppression system for this year's event would create a significant financial burden, the Red Hill Museum Village requests that the Department of Community Affairs grant the Museum a waiver from complying with the fire suppression requirements for special amusement buildings.

RESPONSE: At N.J.A.C. 5:70-4.16(a)1i, the rule contains an exception that allows the use of a non-spinklered building or space as a special amusement building provided that six conditions in the rule are met. If the Museum conforms to the six conditions established in the rule, the local code official having jurisdiction could grant a variation from the requirement for the installation of a fire suppression system in accordance with the UCC. However, because special amusement buildings present unique life safety hazards, variations from the suppression requirements cannot be granted for those buildings that do not meet the conditions established in the regulations.

2. COMMENT: One commenter expressed his belief that construction officials, and not fire officials, are better able to enforce the requirements for buildings that are used as special amusement buildings.

RESPONSE: The purpose of the rule is to shift enforcement responsibility for structures used as special amusement buildings for not more than 15 days in a calendar year to fire officials, who have the required knowledge and expertise to enforce the requirements for these uses. The change in the assignment of enforcement responsibility is intended to codify current best field practice. It is the Department's position that a permit issued under the UFC is a better device for dealing with these very temporary uses.

3. COMMENT: At N.J.A.C. 5:23-2.6(b)3 and (b)3i, the proposed amendments specify that existing structures used as special amusement buildings for not more than 15 days in a calendar year are not required to comply with the applicable change of use requirements of the rehabilitation subcode of the UCC provided that permits for such uses have been issued by the local fire official pursuant to the Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et seq.). The temporary or permanent use of existing buildings or structures as special amusement buildings should trigger the change of use requirements of the rehabilitation subcode of the UCC and enforcement responsibility for the requirements for such uses should be assigned to construction officials.

RESPONSE: With regard to life safety, the technical requirements of the UCC and of the UFC for special amusement buildings are the same. The purpose of the rule is to assign enforcement responsibility for temporary special amusement buildings to fire officials.

4. COMMENT: In order for an existing commercial farm building to be used as a special amusement building, it is likely that a UCC construction permit would be required. Requiring that a local fire official issue a permit for the temporary use of a commercial farm building as a special amusement building is not necessary.

RESPONSE: If there is construction related work associated with the issuance of a fire permit or with compliance with any provision of the UFC, a UCC permit is required. Therefore, the temporary use of an existing commercial farm building as a special amusement building is treated the same as any other instance in which a construction permit is required in conjunction with compliance with the UFC.

5. COMMENT: At N.J.A.C. 5:70-4.16(a)1i(5), the proposed amendment provides that a non-sprinklered building may be used as a special amusement building if sufficient fire department personnel and apparatus are standing by on site at all times that the special amusement building is occupied. The rule should be revised to state that four fire department personnel are required on site. In addition, the rule should require Class A fire engines.

RESPONSE: The suggestions submitted by the commenter are beyond the scope of the proposal. However, the Department will consider the commenter's suggestions for a future rule proposal.

#### **Agency-initiated Changes**

1. At N.J.A.C. 5:70-2.7(a), "a use" shall be replaced with "the use." In addition, at N.J.A.C. 5:70-2.7(a)3xiv, "period not to exceed" shall be replaced with "total not more than" for consistency with the terminology used throughout the UFC. Finally, in the same section, at subsection (g)1, an exception shall be included to clarify that a Type 1 permit for the temporary use of any building as a special amusement building should be issued for each event.

2. At N.J.A.C. 5:70-2.14, a new subsection (f) shall be inserted to repeat that variances shall not be granted for interior finishes in amusement buildings. This is a companion change. N.J.A.C. 5:70-4.16(a)2i already provides that variances shall not be granted for interior finishes.

#### **Federal Standards Statement**

No Federal Standards analysis is required because the proposed amendments are not being proposed pursuant to Federal law or in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

#### **5:70-2.14 Variances**

(a) – (e) (No change.)

**\*(f) In accordance with N.J.A.C. 5:70-4.16(a)2i, variances shall not be granted for interior finishes in amusement buildings.\***

#### **5:70-2.7 Permits required**

(a) Permits shall be required and obtained from the local enforcement agency for the activities specified in this section, except where they are an integral part of a process or activity by reason of which \*[a use]\* **\*the use\*** is required to be registered and regulated

as a life hazard use. Permits shall at all times be kept in the premises designated therein and shall at all times be subject to inspection by the fire official.

1. - 2. (No change.)

3. Type 1 permit:

i. - xiii. (No change.)

xiv. The temporary use of any building or portion thereof as a special amusement building for a \*[period not to exceed]\* **\*total of not more than\*** 15 days in a calendar year.

(1) – (2) (No change.)

4. - 7. (No change.)

(b) - (f) (No change.)

(g) A permit shall remain in effect until revoked, or for one year unless a shorter period of time is otherwise specified. Permits shall not be transferable and any change in use, operation or tenancy shall require a new permit.

1. Exceptions:

i. – iii. (No change.)

**\*iv. A Type I permit for the temporary use of any building as a special amusement building shall be issued for each event.\***